

Exhibit 9

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

**MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR PRODUCTS,
INC., MICRON TECHNOLOGY TEXAS LLC,**

Defendants.

Case No. 2:22-cv-203-JRG

DECLARATION OF NOEL WHITLEY

I, Noel Whitley, declare as follows:

1. I served as Netlist's Vice President of Intellectual Property and Licensing from 2013 to 2019. I have personal knowledge of the facts stated herein, and, if called as a witness, could and would testify to such facts competently under oath.
2. On April 21, 2015, three Micron employees (Dean Klein, Bryan Martin, and Darren Young) visited Netlist's offices in Irvine, California to meet with Netlist. I attended that meeting on behalf of Netlist, as did Christopher Lopes and Rex Sherry. At that meeting, Netlist presented to Micron's employees a presentation titled "Micron/Netlist Partnership Opportunity" (hereafter, the "April 2015 Presentation").
3. I drafted the April 2015 Presentation. I did so with assistance from other Netlist employees at or near the time of the presentation. It was a regular practice for employees of Netlist to communicate with other companies for purposes such as business collaboration opportunities and regarding Netlist's patent portfolio, and to create such presentations to use in meetings with other companies. I understand Netlist preserved a copy of the presentation in the regular course of its business. A true and correct copy of that presentation is attached to this declaration with Bates No. NL-MIC-203_0042085 through -147.
4. At the meeting with Micron on April 21, 2015, Netlist presented every slide in the April 2015 Presentation to Micron's employees.
5. The document with the Bates No. NL-MIC-203_00042083 through -084 is an April 21, 2015 email from Rex Sherry to Chuck Hong, Christopher Lopes, Gail Sasaki, Jay Bhakta, and myself. I received this email at the time it was sent. The email reflects an accurate summary of Netlist's meeting with Micron.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 27, 2023.

By: /s/ Noel Whitley
Noel Whitley